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murrer to the plea was sustained. The defendants appealed. *Held*, that the information be dismissed. *People ex. rel. Livers et al. v. Hanson et al.*, 125 N. E. 268 (Ill.).

For a discussion of this case, see NOTES, p. 848, *supra*.

**BANKRUPTCY — PROPERTY PASSING TO TRUSTEE — RIGHT OF ACTION FOR TORT CAUSING PERSONAL AND PROPERTY DAMAGE.** — The defendant so negligently discharged its duties under a contract to maintain the bankrupt's credit as a trader during his absence in the army that his estate was forced into bankruptcy and its assets depleted. The bankrupt and the trustee join as parties plaintiff, the former claiming for damage to his credit and business reputation, and the latter claiming for injury to the estate. *Held*, that both may recover. *Wilson & Another v. United Counties Bank, Ltd.*, [1920] A. C. 102 (House of Lords).

It is well settled that a right of action for personal injuries remains in the bankrupt, while one for property damage vests in the trustee. *Sibley v. Nason*, 196 Mass. 125, 81 N. E. 887. See BANKRUPTCY ACT 1898, §§ 70a 5, 6. But where the same wrongful act causes both personal and property damage, the relative rights of the bankrupt and the trustee are as yet not well defined. An earlier English case took the view that the right should be confined to the party representing the interest chiefly damaged. *Rose v. Buckett*, [1901] 2 K. B. D. 449. See 15 HARV. L. REV. 229. Theoretically unsatisfactory, this is practically inapplicable where each interest has sustained material injury. In justice, both should be compensated, but the difficulty lies in apportioning the cause of action occasioned by the single tortious act. It would seem that the Bankruptcy Act established a right in the trustee, for in him are vested the bankrupt's "rights of action arising . . . from injury to his property." BANKRUPTCY ACT, §§ 70a, 6. If so, the bankrupt must proceed on the theory that the action is divisible to recover for the personal injury. Such a dual cause of action has been held divisible even outside of bankruptcy. *Brunsdon v. Humphrey*, 14 Q. B. D. 141; *Reilly v. Sicilian, etc. Paving Co.*, 170 N. Y. 40, 62 N. E. 772. But see *Doran v. Cohen*, 147 Mass. 342, 17 N. E. 647; *Von Fragstein v. Windler*, 2 Mo. Ap. 598. And various *dicta* of the English courts in bankruptcy cases foreshadowed the decision in the principal case. *Rogers v. Spence*, 12 Cl. & F. 700, 720; *Beckham v. Drake*, 2 H. L. C. 578, 628. See also *Darley, etc. Co. v. Mitchell*, 11 A. C. 127, 144. Even though, in general, such a cause of action should be held indivisible, it would seem practically desirable to allow an apportionment between the bankrupt and his trustee under the special circumstances of bankruptcy. It is to be hoped that the American courts, as yet undecided, will follow the principal case, despite their varying views on the divisibility of actions. There are cases pointing the other way, however. See *Epstein v. Handverker*, 29 Okla. 337, 116 Pac. 789; *Remmers v. Remmers*, 217 Mo. 541, 117 S. W. 1117; *Sibley v. Nason, supra*.

**BANKRUPTCY — PROPERTY PASSING TO THE TRUSTEE IN BANKRUPTCY — RIGHT TO RECOVER SECURITIES PLEDGED FOR A USURIOUS LOAN.** — The defendant loaned money to a borrower at a usurious rate of interest. A statute permitted the borrower an action for the recovery of the securities without any tender of the loan. (1909 LAWS OF NEW YORK, c. 25, § 377.) The plaintiff, receiver in bankruptcy of the borrower, claims the same right. *Held*, that the defendant have judgment. *Rice v. Schneck*, 179 N. Y. Supp. 335.

The Bankruptcy Act provides that the assets of the bankrupt, including rights of action arising from contract and detention and injuries to property, shall pass to the trustee of the estate. BANKRUPTCY ACT OF 1898, § 70a (6). Actions for fraud in inducing a sale or an acceptance of a contract will pass,